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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/446,888 | 12/30/1999 | TOSHIYUKI FUTAKATA | 6342-0039-2 | 3055 |
| 22850 | 7590 | 05/31/2006 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | KUMAR, PANKAJ | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2611 | |

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/446,888 | FUTAKATA ET AL. | |
| | Examiner | Art Unit | |
| | Pankaj Kumar | 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakano USPN 6,011,787 in view of Dixon USPN 5,455,822. Here is how the references teach the claims:

4. As per claim 1: assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said more than one base station (Nakano fig. 1: communication network has more than one base station) and in mobile stations

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belonging to said more than one base station (Nakano fig. 1: mobile station 92 belongs to both base stations 1 and 2).

5. Nakano does not teach a common code as second spreading code functions as an identifier. Dixon teaches common code as second spreading code functions as an identifier (Dixon abstract “transmitting from the first node unit a second spread spectrum signal with a first identification code using the common-signalling chip code”). It would be obvious to combine Nakano with Dixon because Nakano teaches spreading code (something broad) in general and Dixon teaches the beneficial use of the second spreading code functioning as a identifier such as for call setup (Dixon paragraph 6: “second common chip sequence pattern for call set up”) in the analogous art of communication.

6. As per claim 2: assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and transmitting (Nakano fig. 4: transmission) a signal which is spread (Nakano fig. 4: 37) with said second spreading code (Nakano fig. 4: output of 35) between one of said more than one base station (Nakano fig. 1: multiple base stations) and a mobile station (Nakano fig. 1: mobile station 92) (Nakano fig. 1: communication signals between mobile and base stations and thus signals are transmitted between mobile and base stations), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as

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explained below) in said more than one base station (Nakano fig. 1: communication network has more than one base station) and said mobile station.

7. Nakano does not teach a common code as second spreading code functions as an identifier. Dixon teaches common code as second spreading code functions as an identifier (Dixon abstract “transmitting from the first node unit a second spread spectrum signal with a first identification code using the common-signalling chip code”). It would be obvious to combine Nakano with Dixon because Nakano teaches spreading code (something broad) in general and Dixon teaches the beneficial use of the second spreading code functioning as a identifier such as for call setup (Dixon paragraph 6: “second common chip sequence pattern for call set up”) in the analogous art of communication.

8. As per claim 3: a base station using (Nakano fig. 1: one of the base stations) said second spreading code assigned to each base station group including more than one base station or said second spreading code assigned to each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network), said base station group including more than one of said base station (Nakano fig. 1: base stations 1 and 2 are both part of the same communication network); and a mobile station (Nakano fig. 1: mobile station) communicating with said base station (Nakano fig. 1: base station) by using a signal which is spread by said second spreading code assigned to said base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the spreader and code generator in fig. 4 are inside the base station, they are assigned to the base station), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches

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this and it would be obvious to combine as explained below) in said more than one base station (Nakano fig. 1: communication network has more than one base station) and said mobile station.

9. Nakano does not teach a common code as second spreading code functions as an identifier. Dixon teaches common code as second spreading code functions as an identifier (Dixon abstract “transmitting from the first node unit a second spread spectrum signal with a first identification code using the common-signalling chip code”). It would be obvious to combine Nakano with Dixon because Nakano teaches spreading code (something broad) in general and Dixon teaches the beneficial use of the second spreading code functioning as a identifier such as for call setup (Dixon paragraph 6: “second common chip sequence pattern for call set up”) in the analogous art of communication.

10. As per claim 4: said transmitter (Nakano fig. 4: transmission) assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and said transmitter (Nakano fig. 4: transmission) carrying out communication using a signal spread by said second spreading code (Nakano fig. 4 transmission of the signal spread in 37) assigned to one of said more than one base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the spreader and code generator in fig. 4 are inside the base station, they are assigned to the base station), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would

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be obvious to combine as explained below) in said base station (Nakano fig. 1: base station) and said mobile station (Nakano fig. 1: mobile station).

11. Nakano does not teach a common code as second spreading code functions as an identifier. Dixon teaches common code as second spreading code functions as an identifier (Dixon abstract “transmitting from the first node unit a second spread spectrum signal with a first identification code using the common signalling chip code”). It would be obvious to combine Nakano with Dixon because Nakano teaches spreading code (something broad) in general and Dixon teaches the beneficial use of the second spreading code functioning as a identifier such as for call setup (Dixon paragraph 6: “second common chip sequence pattern for call set up”) in the analogous art of communication.

12. As per claim 5: said receiver (Nakano fig. 4: reception) assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and said receiver (Nakano fig. 4: reception) carrying out communication using a signal spread by said second spreading code (Nakano fig. 4: reception of the signal using the code in 55) assigned to one of said more than one base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the code generator in fig. 4 is inside the base station, it is assigned to the base station), wherein said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine

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as explained below) in said receiver (Nakano fig. 1: mobile receives signal from base; transmission and reception between the various components including the mobile, base, and communication network).

13. Nakano does not teach a common code as second spreading code functions as an identifier. Dixon teaches common code as second spreading code functions as an identifier (Dixon abstract “transmitting from the first node unit a second spread spectrum signal with a first identification code using the common-signalling chip code”). It would be obvious to combine Nakano with Dixon because Nakano teaches spreading code (something broad) in general and Dixon teaches the beneficial use of the second spreading code functioning as a identifier such as for call setup (Dixon paragraph 6: “second common chip sequence pattern for call set up”) in the analogous art of communication.

14. As per claim 6: said transceiver (Nakano fig. 4: transmission and reception) assigning a code (Nakano 6011787 fig. 4: 35, 55 code generator) associated with each base station group including more than one base station or a code associated with each network type (Nakano 6011787 fig. 4: 35, 55 code generator is for a communication network) to which said base station group belongs (Nakano fig. 1: group of base stations 1 and 2 belong to one communication network) as said second spreading code (Nakano fig. 4: 37 is spreading based on the code from 35); and said transceiver (Nakano fig. 4: transmission and reception) carrying out communication using a signal spread by said second spreading code (Nakano fig. 4: transmission of the signal using the code in 35, reception of the signal using the code in 55) assigned to one of said more than one base station (Nakano col. 4 lines 46-47: fig. 4 is part of the base station; since the code generator in fig. 4 is inside the base station, it is assigned to the base station), wherein

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said second spreading code functions as an identifier of said base station group or said network type (not in Nakano but Higuchi teaches this and it would be obvious to combine as explained below) in said transceiver (Nakano fig. 1: mobile receives signal from base; transmission and reception between the various components including the mobile, base, and communication network).

15. Nakano does not teach a common code as second spreading code functions as an identifier. Dixon teaches common code as second spreading code functions as an identifier (Dixon abstract “transmitting from the first node unit a second spread spectrum signal with a first identification code using the common-signalling chip code”). It would be obvious to combine Nakano with Dixon because Nakano teaches spreading code (something broad) in general and Dixon teaches the beneficial use of the second spreading code functioning as a identifier such as for call setup (Dixon paragraph 6: “second common chip sequence pattern for call set up”) in the analogous art of communication.

Allowable Subject Matter

16. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (571) 272-3011. The examiner can normally be reached on Mon, Tues, Thurs and Fri after 8AM to after 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Pankaj Kumar
Patent Examiner
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PK